

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 141

Citations Affected: IC 34-6; IC 34-13; noncode.

Synopsis: Liability at extreme sports areas. Defines "extreme sports area". Provides that a governmental entity that operates an extreme sports area has limited tort claims immunity for damages at an extreme sports area if: (1) a set of rules governing the use of the facility is clearly posted at each entrance to the extreme sports area; and (2) a warning concerning the hazards and dangers associated with the use of the facility is clearly posted at each entrance to the extreme sports area. Provides that a governmental entity that operates an extreme sports area is required to maintain the area in a reasonably safe condition. (This conference committee report: (1) removes the provision that a physician or registered nurse acting outside the scope of the physician's or nurse's employment who renders gratuitous emergency care has immunity from liability for claims arising from the provision of the emergency care; (2) removes the provision that the cap on liability for tort claims may be raised if the entity covered by the tort claims statute has liability insurance that exceeds the tort claims limit; and (3) revises language relating to a governmental entity's continuing duty to maintain an extreme sports park.)

Effective: Upon passage.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 141 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 2, delete line 42.
- 2 Page 3, delete lines 1 through 15.
- 3 Page 3, delete lines 25 through 27.
- 4 Page 4, line 9, delete "responsible".
- 5 Page 4, line 10, after "from" insert "**liability for**".
- 6 Page 5, delete lines 39 through 42.
- 7 Delete page 6.
- 8 Page 7, delete lines 1 through 33.
- 9 Page 7, line 36, delete "IC 34-13-3-4, and IC 34-13-3-20, all".
- 10 Page 7, line 37, delete "apply" and insert "**applies**".
- 11 Page 7, delete lines 41 through 42.
- 12 Page 8, delete line 1.
- 13 Renumber all SECTIONS consecutively.
(Reference is to ESB 141 as reprinted April 10, 2001.)

Conference Committee Report
on
Engrossed Senate Bill 141

Signed by:

Senator Long
Chairperson

Representative Moses

Senator Broden

Representative Brown T

Senate Conferees

House Conferees